

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SCOTT PRALINSKY,)	
)	
Plaintiff,)	8:09CV8
)	
v.)	
)	
MUTUAL OF OMAHA INSURANCE)	ORDER
COMPANY,)	
)	
Defendant.)	
_____)	

The Court notes that the defendant claims this Court has jurisdiction on the basis that the plaintiff is and was at the time of filing the subject state court action a citizen of the Country of Costa Rica, while the defendant had its principal place of business in Nebraska, thereby invoking jurisdiction pursuant to 28 U.S.C. § 1332, based on the plaintiff's citizenship being in Costa Rica and the defendant's citizenship being in the United States.

In plaintiff's deposition taken on September 17, 2009, the plaintiff testified that he was a citizen of the United States and not a citizen of Costa Rica (pp. 21:5-13).

The parties are referred to the decision of the United States Court of Appeals for the Seventh Circuit in *Buchel-Ruegsegger v. Buchel*, 756 F.3d 451, 453-455 (7th Cir. 2009).

This case suggests to the Court that it lacks jurisdiction over this action. Accordingly,

IT IS ORDERED that the parties are to simultaneously file briefs on or before **Thursday, April 1, 2010**, addressing this issue.

DATED this 29th day of March, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court